

**DRAFT MINUTES**  
**Virginia Soil and Water Conservation Board**  
**Friday, September 20, 2002, 9:30 a.m.**  
**Virginia Department of Forestry, Charlottesville, Virginia**

**Virginia Soil and Water Conservation Board Members Present**

David L. Moyer, Chairman	A. Dewey Bond
Linda S. Campbell	J. Carlton Courter, III
M. Denise Doetzer	Jack E. Frye (for Joseph H. Maroon)
Robert M. Hall	W. P. Johnson
Granville M. Maitland	Jean R. Packard
Steve Umberger (for David Barrett)	

**Virginia Soil and Water Conservation Board Members Not Present**

Kriton Hatzios	Lorenza Lyons
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**Staff Present**

William G. Browning, DCR	Kathleen Carter, DCR
Larry Gavan, DCR	Jon Phillippe, DCR
Stu Wilson, DCR	

**Others Present**

James G. Byrne, Culpeper Soil and Water Conservation District  
J. Michael Foreman, Dept. of Forestry  
Charles E. Horn, Headwaters Soil and Water Conservation District  
Stephanie Martin, Virginia Association of Soil and Water Conservation Districts

**Call to Order**

Outgoing Chairman Charles Horn called the meeting to order and declared a quorum present.

**Election of Officers**

MOTION: Mr. Maitland moved that David Moyer be elected Chairman of the Virginia Soil and Water Conservation Board.

SECOND: Mr. Johnson

VOTE: Motion carried unanimously.

MOTION: Chairman Moyer moved that Granville Maitland be elected Vice-Chairman of the Virginia Soil and Water Conservation Board.

SECOND: Mr. Johnson

VOTE: Motion carried unanimously.

Mr. Horn took a moment of personal privilege to thank staff and members for their support during his tenure as Board Chairman.

### **Minutes of the July 18, 2002 Meeting**

MOTION: Mr. Maitland moved that the minutes of the July 18, 2002 meeting of the Virginia Soil and Water Conservation Board be approved as submitted.

SECOND: Mr. Bond

VOTE: Motion carried unanimously.

### **Lake Martin Update**

Chairman Moyer asked Mr. Wilson to present the update on Lake Martin.

Mr. Wilson presented an update on Lake Martin. He distributed a letter from Fairfax County with an update on the situation. (Attachment #1). He discussed the recent actions by the court relative to the developer's request to have the County's lawsuit dismissed. The trial date for Fairfax County's lawsuit against the developer has been set for February 3, 2003. Mr. Wilson also distributed a letter that EPA sent to the developer outlining the status of EPA's action on the administrative order relative to Lake Martin.

MOTION: Mr. Bond moved that the Board accept the following motion:

- 1) The Virginia Soil and Water Conservation Board receives update of activities from DCR staff and the letter report from Fairfax County outlining the status of the County's lawsuit against the major developer. The Board requests the County to continue its efforts to expedite resolution to facilitate remediation of the Lake Martin watershed. The Board also requests the DCR staff to continue communication with EPA relative to EPA's administrative order and to re-affirm to EPA the Board's interests in an expedited resolution of this matter.
- 2) The Virginia Soil and Water Conservation Board further directs Fairfax County to continue to provide updates to the Board relative to the resolution of the lawsuit and proposed plans and schedule for commencement of restoration actions and in restoration. The County should insure that affected homeowners are provided input into the process of determining final

restoration plans. These updates shall continue until restoration actions have been completed.

SECOND: Mr. Hall

VOTE: Motion carried.

### **Local Urban Programs Update**

Mr. Gavan presented an update on the alternative inspection program. He noted that staff is reviewing the Fairfax program. Previously, the Board has delayed action regarding the Fairfax County alternative inspection program.

Ms. Packard asked what type of alternative would be acceptable.

Mr. Gavan noted that the regulations specify certain criteria. He distributed copies of the guidelines. (Attachment #2).

Mr. Gavan presented the Scott County Erosion and Sediment Control Alternative Inspection Program for final approval by the Board. The Natural Tunnel Soil and Water Conservation District handles most of the functions for the Scott County program.

MOTION: Mr. Hall moved that the Board approve Scott County's Erosion and Sediment Control Alternative Inspection Program.

SECOND: Mr. Maitland

VOTE: Motion carried.

Mr. Gavan presented the Gloucester County and New Kent County Erosion and Sediment Control Alternative Inspection Programs for Board consideration for action at the December meeting.

MOTION: Mr. Bond moved that the Board accept Gloucester County's Erosion and Sediment Control Alternative Inspection Program for consideration.

SECOND: Mr. Hall

VOTE: Motion carried.

MOTION: Ms. Packard moved that the Board accept New Kent County's Erosion and Sediment Control Alternative Inspection Program for consideration.

SECOND: Ms. Campbell

VOTE: Motion carried.

### **Erosion and Sediment Control Training and Certification Program Update**

Mr. Gavan presented an update on the Erosion and Sediment Control Training and Certification Program. DCR has a new web-based certification contract with DIT. The localities seem to prefer this. Over 1,100 people are scheduled to re-take the exam in 2003.

### **District Director Resignations and Appointments**

Mr. Browning presented the following District Director Resignations and Appointments:

#### *Clinch Valley*

Resignation of Paul J. Chambers, Russell County, effective 7/1/02, appointed Extension Agent director position (term of office expires 1/1/05).

Recommendation of Denny Scott Jessee, Russell County, to fill unexpired Extension Agent term of Paul J. Chambers (term of office to begin on or before 10/20/02 – 1/1/05).

#### *Colonial*

Resignation of Edward T. Overton, Jr. James City County, effective 7/1/02, appointed Extension Agent director position (term of office expires 1/1/04).

Recommendation of Paul H. Davis, New Kent County, to fill unexpired Extension Agent term of Edward T. Overton, Jr. (term of office to begin on or before 10/20/02 – 1/1/05).

#### *Halifax*

Resignation of Larry L. McPeters, Halifax County, effective 7/1/02, appointed Extension Agent director position (term of office expires 1/1/05).

Recommendation of Daniel Lee Goerlich, Halifax County, to fill unexpired Extension Agent term of Larry L. McPeters (term of office to begin on or before 10/20/02 – 1/1/05).

#### *J.R. Horsley*

Resignation of H. Preston Futrell, Jr. Southampton County, effective 7/23/02, elected director position (term of office expires 1/1/04).

Recommendation of Marvin L. Everett, Jr., Southampton County, to fill unexpired elected term of H. Preston Futrell, Jr. (term of office to begin on or before 10/20/02 – 1/1/04).

*Lake Country*

Recommendation of Taylor Clarke, Mecklenburg County, to fill unexpired Extension Agent term of S. Joe Fariss (term of office to begin on or before 10/20/02 – 1/1/05) (*previously disqualified due to failure to file oath*).

*Lord Fairfax*

Resignation of Gary C. DeOms, Frederick County, effective 7/1/02, appointed Extension Agent position (term of office expires 1/1/04).

Recommendation of Corey Childs, Warren County, to fill unexpired Extension Agent term of Gary C. DeOms (term of office to begin on or before 10/20/02 – 1/1/05).

*Mountain*

Resignation of J. Frank Helper, Alleghany County, effective 4/25/02, elected director position (term of office expires 1/1/08).

Recommendation of Thomas B. McCaleb, Alleghany County, to fill unexpired elected term of J. Frank Helper (term of office to begin on or before 10/20/02 – 1/1/08).

*Mountain Castles*

Resignation of Carla H. Williams, Craig County, effective 7/10/02, elected director position (term of office expires 1/1/04).

*Natural Bridge*

Resignation of Phillip R. Welch, City of Buena Vista, effective 5/15/02, elected director position (term of office expires 1/1/04).

Recommendation of Donald G. Drake, City of Buena Vista, to fill unexpired elected term of Phillip R. Welch (term of office to begin on or before 10/20/02 – 1/1/04).

*Patrick*

Resignation of Gene H. Amos, Patrick County, effective 7/1/02, appointed Extension Agent position (term of office expires 1/1/05).

Recommendation of Melanie Barrow, Patrick County, to fill unexpired Extension Agent term of Gene H. Amos (term of office to begin on or before 10/20/02 – 1/1/05).

MOTION: Ms. Campbell moved that the Board approve the resignation and appointment actions as presented by DCR staff and directs staff to communicate the Board actions to the affected SWCDs.

SECOND: Mr. Maitland

DISCUSSION: Mr. Bond asked if board members would be provided with a copy of the Attorney General's letter concerning the appointment of retired Extension Agents.

Mr. Browning noted that a copy of the letter was included in the packet with the Department's report. (Attachment #3)

VOTE: Motion carried.

### **SWCD Appointments Recommended for a Four-Year Term Beginning January 1, 2003**

Mr. Browning presented the following list of SWCD appointments recommended for a four-year term beginning January 1, 2003.

<u>SWCD</u>	<u>Incumbent</u>	<u>Recommended</u>
Appomattox River	Michael J. Parrish* Dinwiddie	Michael J. Parrish* Dinwiddie
Clinch Valley	Michael G. Altizer Russell	Michael G. Altizer Russell
Colonial	George W. Fisher New Kent	George W. Fisher New Kent
Daniel Boone	Wayne Denson Lee	Wayne Denson Lee
Halifax	S. Baxter Wilson Halifax	S. Baxter Wilson Halifax
Headwaters	Richard M. Shiflet Augusta	Richard M. Shiflet Augusta
James River	William D. Kreider Prince George	William D. Kreider Prince George
Lord Fairfax	Meryl N. Christiansen Warren	Meryl N. Christiansen Warren
Loudoun	Gary W. Hornbaker* Loudoun	Gary W. Hornbaker* Loudoun
Monacan	J.E. Poore Powhatan	J.E. Poore Powhatan

Mountain	Patricia M. Brooks Bath	Patricia M. Brooks Bath
Mountain Castles	John D. Seibel Botetourt	John D. Seibel Botetourt
Natural Bridge	E. Burwell Wingfield City of Lexington	E. Burwell Wingfield City of Lexington
Natural Tunnel	J. Michael Cassell* Scott	Scott Jerrell* Scott
New River	G. Leroy McGrady Carroll	G. Leroy McGrady Carroll
Northern Neck	Wallace C. Carter Lancaster	
Peaks of Otter	Scott M. Baker* Bedford	Scott M. Baker* Bedford
Peanut	Carey M. Copeland City of Suffolk	Carey M. Copeland City of Suffolk
Peter Francisco	Clyde P. Brown Buckingham	Clyde P. Brown Buckingham
Pittsylvania	Aubrey R. Pritchett Pittsylvania	Aubrey R. Pritchett Pittsylvania
Prince William	Marc Aveni* Prince William	Susan DeBolt* Prince William
Robert E. Lee	Gilliam Cobbs City of Lynchburg	
Shenandoah Valley	Randolph J. Maupin City of Harrisonburg	Randolph J. Maupin City of Harrisonburg
Southside	Robert L. Jones* Charlotte	Robert L. Jones* Charlotte
Three Rivers	Keith Balderson* Essex	Keith Balderson* Essex
Tri-County/City	Regina Prunty* King George	John E. Howe* King George

\*Extension Agents will serve a two-year term during the transition to uniform terms of office.

MOTION: Ms. Packard moved that the Board approve the four-year appointments as presented by DCR staff and directs staff to communicate Board actions to the affected SWCDs.

SECOND: Mr. Johnson

VOTE: Motion carried.

**Board Representation at the October 8 and 15, 2002 Public Hearings Concerning the Chesterfield County Petition to Create a New Soil and Water Conservation District**

MOTION: Ms. Packard moved that the Board authorize the Chair to sign a letter to the James River SWCD and to Chesterfield County requesting written information on matters significant to the proposed new SWCD, including the anticipated financial contributions that will be made by each jurisdiction.

SECOND: Ms. Campbell

DISCUSSION: Mr. Moyer noted that the Board needed to replace Mr. Dunford as the hearing officer. Mr. Maitland volunteered.

All Board members are encouraged to attend the hearings.

Ms. Packard noted concern about funding a new district.

Mr. Browning will work with the chair to draft the letter.

VOTE: Motion carried.

**Financial Assistance to Soil and Water Conservation Districts for Fiscal Year 02/03**

Mr. Browning noted that in previous years the Department and Board has supported the Soil and Water Conservation District Envirothon. However, at this point, DCR has no authority to release carry-forward funds for this purpose.

Ms. Stephanie Martin noted that the Association is actively pursuing alternative funding for the Envirothon.

Mr. Browning will draft a letter to the Virginia Association of Soil and Water Conservation Districts describing the current situation.



**Dam Safety Certificates and Permits**

Mr. Phillippe noted that the Impoundment Safety Technical Advisory Committee was currently without a chair. When Mr. Dunford's replacement to the Committee is named the next meeting will be scheduled.

Mr. Browning noted that Ken Turner will present a report at the next meeting.

Mr. Phillippe presented the following list of Dam Safety Certificates and Permits:

INV NO.	NAME	CITY/COUNTY
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Dam Safety Alteration Permit

None		
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Dam Safety Construction Permit

01532	Mill Place Commerce Park BMP #4	AUGUSTA
02940	Water Storage Reservoir	BUCKINGHAM
10736	Hope Parkway Dam	LOUDOUN

Dam Safety Operation & Maintenance CertificatesClass I Regular

00503	Clifton Forge Dam	ALLEGHANY
16104	Clifford D. Craig Memorial Dam (Sprg.H.)	ROANOKE

Class I Conditional

06107	Thompson Dam	FAUQUIER
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Class II Regular

00504	Westvaco #2 Flyash Lagoon Dam	ALLEGHANY
01952	Swan Lake Dam	BEDFORD
03702	Roanoke Creek Dam #72A	CHARLOTTE
10502	Keokee Dam	LEE
10709	Daley Dam (Lake Marion)	LOUDOUN
17902	Potomac Creek Dam #1	STAFFORD
17913	Potomac Creek Dam #2	STAFFORD
19104	Hidden Valley Dam	WASHINGTON

Class II Conditional

19901	Harwood Mill Dam	YORK
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Class III Regular

00308	Henleys Dam	ALBEMARLE
03350	Ladysmith Lake Dam	CAROLINE
10707	Horsepen Dam	LOUDOUN
10708	Dulles Lake Dam	LOUDOUN
13703	Lake Orange Dam	ORANGE

13706	Northrup Creek Dam	ORANGE
14118	Ararat River Dam #64	PATRICK
14119	Ararat River Dam #69	PATRICK
14739	Bush River Dam #5	PRINCE EDWARD
14740	Bush River Dam #6	PRINCE EDWARD

Class III Conditional

None

Extension to December 2002 Board Meeting

00924 (2R)	Buffalo River Dam #4 (Mill Crk.)	AMHERST
01906 (2C)	Springhill Lake Dam	BEDFORD
02303 (1C)	Rainbow Forest Dam	BOTETOURT
02901 (3R)	Willis River Dam #1A	BUCKINGHAM
02902 (3R)	Willis River Dam #1E	BUCKINGHAM
02909 (3R)	Willis River Dam #7	BUCKINGHAM
02919 (3R)	Willis River Dam #2	BUCKINGHAM
03108 (2R)	Wildwood Recreation Dam #1	CAMPBELL
04145 (3R)	Chesterfield Power Station Dam	CHESTERFIELD
04706 (1R)	Mountain Run Dam #18 (Catalpa)	CULPEPER
08542 (3R)	Hartford Lake Dam	HANOVER
08902 (2C)	Leatherwood Creek Dam #5	HENRY
08904 (2C)	Leatherwood Creek Dam #3	HENRY
08905 (2R)	Leatherwood Creek Dam #2A	HENRY
08907 (2C)	Leatherwood Creek Dam #6	HENRY
08908 (1C)	Marrowbone Creek Dam #1	HENRY
10706 (3R)	McGhee Dam	LOUDOUN
14701 (3R)	Buffalo Creek Dam #1 (Grandview L.)	PRINCE EDWARD
14702 (3R)	Buffalo Creek Dam #3 (Little Ck. L.)	PRINCE EDWARD
14703 (3R)	Buffalo Creek Dam #4 (Spring Ck. L.)	PRINCE EDWARD
14706 (3R)	Buffalo Creek Dam #2 (Stockton L.)	PRINCE EDWARD
14707 (3R)	Buffalo Creek Dam #5 (L. Buffalo)	PRINCE EDWARD
14708 (3R)	Buffalo Creek Dam #6 (Bell L.)	PRINCE EDWARD
14709 (3R)	Buffalo Creek Dam #7 (L. Gayle)	PRINCE EDWARD
14710 (3R)	Buffalo Creek Dam #8 (L. Abilene)	PRINCE EDWARD
14711 (3R)	Buffalo Creek Dam #9 (Wilks L.)	PRINCE EDWARD
14734 (2R)	Bush River Dam #2	PRINCE EDWARD
14736 (3R)	Bush River Dam #7	PRINCE EDWARD
16301 (1C)	Goshen Dam	ROCKBRIDGE
17704 (1R)	Motts Run Reservoir Dam	SPOTSYLVANIA

Out of Compliance

07915	Greene Mountain Lake Dam	GREENE
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MOTION: Ms. Campbell moved that the Board accept the list of Dam Safety certificates and permits as submitted.

SECOND: Ms. Packard

DISCUSSION: Mr. Bond questioned the status of the Greene Mountain Lake Dam. Ms. Packard suggested that the affected property owners around Greene Mountain Lake be notified.

VOTE: Motion carried.

MOTION: Ms. Packard moved that DCR staff draft a letter to all property owners on Greene Mountain Lake regarding the out of compliance status of the dam.

SECOND: Mr. Maitland.

VOTE: Motion carried.

### **General Obligation Bond Update**

Mr. Frye presented an update regarding the General Obligation Bond on the ballot in November.

### **Agency Reports**

#### *Natural Resources Conservation Service*

Ms. Doetzer presented the following report:

#### **2002 Farm Bill Activities**

Environmental Quality Improvement Program (EQIP) – Contacts with 246 landowners involving \$5,180,000 in funds are being finalized.

Wildlife Habitat Incentive Program (WHIP) – Work is underway to commit \$256,000 in funds with 71 applications approved to date covering 2060 acres. NRCS is working with other agencies to expand the program to include stream blockage and small dam removal, creating trout fisheries habitat, and controlling invasive species.

Wetland Reserve Program (WRP) – FY 2002 funding was received in September. Two landowners were allocated money to purchase permanent easements. \$150,000 for approximately 80 acres was committed. Restoration work is being completed this month on two sites in Accomack County by DU under a cooperative agreement.

Farmland Protection Program (FPP) – FY 2002 funding was received in September. Funding (\$1.572 million) was adequate to fund seven of eight proposals. Kernstown battlefield property was the highest ranked property for this program. An easement placed on this farm will preserve the historic integrity of a civil war battlefield site as

well as agriculture in a developing area (Winchester). 1,437 acres will be placed in the program this year.

**Dam Rehabilitation** – Planning work is underway on Marrowbone Dam in Henry County with impoundment sediment survey work done the week of August 26, 2002.

**Conservation Reserve Enhancement Program (CREP)** – To date, 796 contracts for 8,828 acres have been signed in the Chesapeake Bay drainage and 822 contracts for 4,465 acres have been signed in the Southern Rivers drainage. 2173 stream miles buffered.

**Emergency Watershed Program (EWP)** – We presently have formal requests from six counties asking for flood recovery work on 23 sites. The Engineering Staff is presently preparing contract packages. Project agreements and environmental permits are being worked on by the sponsoring counties. With adequate funds now in a drawing account, recovery construction work should start in October.

### **Resource Conservation and Development (RC&D)**

**South Hampton Roads RC&D** – A re-submittal from last year, the application is being sponsored by the Cities of Chesapeake, Norfolk, Portsmouth, Suffolk and Virginia Beach; the Counties of Isle of Wight and Surry, the Peanut and Virginia Dare Soil and Water Conservation Districts; and the Hampton Roads Planning District Commission.

**Shenandoah RC&D** – A new submittal, the application's proposed sponsors are the Augusta County, Clarke County; Rockingham County, Shenandoah County, and Warren County Boards of Supervisors; the Headwaters, Lord Fairfax, and Shenandoah Valley Soil and Water Conservation Districts; the Cities of Harrisonburg, Staunton, Waynesboro and Winchester; and the Lord Fairfax and Central Shenandoah Planning District Commissions.

**Emergency Conservation Program (ECP)** – We have been working on technical referrals from FSA on flood repairs in six counties. The most referrals are for drought response for design and layout of additional watering systems. To date we have handled hundreds of referrals in 55+ counties.

**Virginia Soil Survey** – The Virginia Soil Survey Work Planning Conference was recently held at Virginia Tech. The meeting is held annually to facilitate informed decision making by the leadership of NRCS and its cooperators regarding the status, direction and future of the Cooperative Soil Survey Program in Virginia. In FY-2002, the major focus of the program was field mapping and database development. This will continue as the main emphasis for the program in FY-2003 and beyond, in order to accomplish the strategic goal of having a soil survey map for every acre in the State. A great deal of work was accomplished in 2002. The year 2003 will provide many challenges that will be met through the continued strong support from all soil survey cooperators.

Mr. Foreman presented the following report:

- The Department has been working with NRCS to develop criteria for the new Farm Bill Cost Sharing Programs. The Forest Land Enhancement Program (FLEP) and Environmental Quality Incentives Program (EQIP). In general, FLEP will be utilized for more traditional practices such as site preparation and pine planting while EQIP will focus on riparian plantings, upland hardwood management, and timber stand improvement.
- Two watershed and/or riparian conferences are occurring simultaneously next week with the Department assisting with both. There is a regional riparian conference in Baltimore and the DCR conference in Roanoke. Both will have recognition events geared toward the surpassing of the 610 mile buffer goal.
- The 4<sup>th</sup> version of the Forestry BMP Technical guide has been completed. A pocket guide also is being developed containing the most relevant information out of the bigger book. Those interested in copies should contact Mr. Foreman.
- A two-day workshop on the “rain gardens” was held on August 20-21 in Charlottesville. Workshop participants were mostly from the Federation of Garden Clubs who have adopted this small stormwater mitigation technique as their national project for the upcoming year. One is being planned for the National Arboretum in Washington next Spring.
- The Department, DEQ, and DCR will be trying to correlate buffer establishment data with the de-listing of TMDL stream segments. This important task could substantiate the on-the-ground work with DEQ monitoring data.

#### *Virginia Cooperative Extension Service*

Dr. Umberger reported that Cooperative Extension is still dealing with issues of budget cuts. Even at the lowest reduction Cooperative Extension will lose additional employees.

The drought continues across the state, and the Governor has issued water restrictions that cover most of the state. Extension Agents are working with farmers around the state in terms of management strategies to deal with the drought as well as helping to identify additional sources of water for farms without water.

In the past session the General Assembly passed the Secure Virginia Initiative. Cooperative Extension was asked to provide resources to farms in Virginia in terms of prevention and response to any type of bio-terrorism. Five publications have been developed dealing with various diseases and other possible threats from bio-terrorism. Focus has been on producer response.

#### *Virginia Department of Agriculture and Consumer Services*

Not represented.

#### *Virginia Department of Conservation and Recreation*

Mr. Frye presented the following report:

**Budget outlook and directives for monthly financial management:** DCR submitted budget reduction plans for 5% to 15% to the Secretary of Natural Resources (SNR) on 9/13. The SNR will submit to the Department of Planning and Budget (DPB) and Governor's Office on 9/20. We have heard that the Governor could announce reduction plans publicly as early as mid-October but this is not confirmed. Submissions include significant impacts to DCR's organization, programs and staff. Until the Governor's announcement is made, we have no way of knowing what reductions from our submission will be accepted and if reductions might be directed against district funding. We are still awaiting word from the DPB on the release of the \$50,000 for dam maintenance, the \$140,000 for SWCD tributary strategy support and the Water Quality Improvement Act interest of \$2,179,000 that the General Assembly appropriated for the Ag BMP Cost-Share program. Also, we have not had the approval to spend the "carry-forward" funds that remained June 30, 2002. This includes \$80,945 of unexpended Tributary strategy funds. It also includes \$44,863 of unexpended SWCD funds of which \$9,000 was budgeted as operational funds for districts in this current fiscal year. The resolution of the fate of these dollars will hopefully be clear in October.

The Governor has directed all state agencies to budget and manage financial resources on a monthly basis. Therefore, beginning next month, October 2002, DCR will disburse SWCD operational funds monthly. Each district will receive 1/12<sup>th</sup> (one month's worth) of the total approved operational funding each month. This will continue until we are directed otherwise. A letter went out to each district from DCR on this change on September 13, 2002.

**Conservation Partner Training Efforts:** Through efforts of the Joint Employee Development (JED) state team, training events are being delivered on 3 "core" courses for the benefit of the conservation partner agencies.

- During July NRCS delivered the EP&I (Effective Presentation & Instruction) sessions. The sessions offered the same 3-day course, one in Madison, Virginia and the other at the NRCS state office in Richmond.
- This October (16<sup>th</sup> and 17<sup>th</sup>) DCR is sponsoring a 2-day Conservation Selling Skills fundamentals course for up to 30 participants at the DOF Salem office. Signup has begun and district staff (and directors) are encouraged to participate.
- The third "core" course pertains to a regional approach for delivery of Conservation Orientation for New Employees. NRCS under the leadership of Ken Carter piloted a 4-day program in Service Units 4 and 8. Attendance was very good and evaluations revealed favorable responses. Other regions of the state will offer the course when sufficient needs exist.

**Virginia Cooperative Extension Agents serving on SWCD boards:** During the VASWCD June 2002 Board meeting, DCR reported VCE was proposing that former Extension agents which satisfy all other requirements for district service, be considered for appointment to SWCD boards. The need for considering this option surfaced with the retirement of over 30 VCE Agricultural Natural Resource agents on July 1, 2002. VCE's proposal was submitted to the Office of the Attorney General for review and guidance. (As previously noted, a copy of that response is attached).



**SWCD Audit Services:** The contract for performance of SWCD audits has been awarded to the accounting firm of Robinson, Farmer, Cox and Associates (RFCA). Staff from that firm will be conducting audits of 17 SWCDs prior to November 1, 2002 for the fiscal year that ended June 30<sup>th</sup>, 2002 (and for all prior fiscal years since each district's last audit). The contract with RFCA became effective June 27<sup>th</sup>, 2002 and will be in place for a minimum of 2 years with options for renewals.

**Conservation Reserve Enhancement Program:** Virginia has forwarded to the Farm Services Agency (FSA), the amendments for extending the CREP in both the Chesapeake Bay and Southern Rivers watersheds through the life of the Farm Bill in 2007. Once approved, this will allow sign-up for the program to continue beyond December 31, 2002 until December 31, 2007. No increases in the existing acreage goals are being requested at this time.

**SWCD 4-Year Program and Resource Plan:** The transition to a new approach with SWCD longer term planning is progressing. A guidebook is nearing completion and will serve as a resource for district use as each district transitions towards newer planning approaches.

Representatives from conservation partner organizations, with guidance by professional planner and facilitator Judy Burtner, are scheduled to meet on October 30<sup>th</sup> to be briefed on new planning approaches and also receive instruction on carrying out the role of moderator for SWCD focus groups.

Following the October 30<sup>th</sup> session, it is expected that the new approach to planning will be tested through several pilot districts later this fall. Ultimately it is hoped districts will carry out planning activities that are linked to the 4-year election cycle of district directors.

**Secondary Contact Bacteria Criteria:** The Department of Environmental Quality is currently seeking comments on this proposed water quality criteria. Current state water quality standards were developed for monitoring point source discharges and are not adequate measures for assessing threats from the presence of nonpoint source pollution. The primary contact bacteria criteria was adopted in Virginia some 25 to 30 years ago to provide protection for point source discharges, and Virginia needs to readdress its bacteria criteria to reflect the lessons learned from the bacteria TMDLs completed to date. One of the lessons is that many of the impaired streams for which TMDLs have been completed violate the primary contact recreation criteria based solely on the bacteria loading attributed to wildlife. A secondary contact criteria would give the state a reasonable means of handling "wildlife-impacted streams." For example, the state of Texas has a contact and non-contact recreation use of streams. Streams are designated for contact unless elevated concentrations of bacteria frequently occur due to sources that cannot be reasonably controlled by existing regulation. Louisiana applies the primary contact criteria during May 1 through October 31 and the secondary contact criteria during November 1 through April 30. Even such a seasonal approach would bring some reprieve to Virginia's approach of ALL WATERS, ALL TIMES, UNDER ALL FLOW CONDITIONS. The VASWCD and SWCDs should follow the development of water quality standards and may wish to commit.

### **Public Comment**

Mr. Jim Byrne, Culpeper Soil and Water Conservation District presented to the Board a matter of concern regarding a Director with the Culpeper District. The Board addressed this matter under other business.

### **Other Business**

Mr. Browning presented the following reference from the *Code of Virginia* pertaining to the removal from office of a District Director.

§ 10.1-536. Removal from office.

Any district director may be removed by the Board for neglect of duty or malfeasance in office, or may be removed in accordance with the provisions of general law. Upon receipt of a sworn complaint against a director filed by a majority of the directors of that same district, the Board shall (i) notify the district director that a complaint has been filed against him and (ii) hold a hearing to determine whether the district director's conduct constitutes neglect of duty or malfeasance in office.

(*Code of Virginia* 1950. § 21-51. 1964. c 512;, 1970, c. 480; 1988, c. 891; 1996, c. 493.)

Mr. Browning noted that sufficient documentation must be provided in order for the Board to take action.

MOTION: Ms. Packard moved the Board to hold hearing at next Board meeting on December 11, 2002 pending: 1) receipt of documents; 2) legal review by the Attorney General's Office; 3) and notification of individual.

SECOND: Mr. Bond

VOTE: Motion carried.

### **Next Meeting**

The next meeting of the Virginia Soil and Water Conservation Board will be Wednesday, December 11, 2002 at the joint meeting with the Virginia Association of Soil and Water Conservation Districts.

### **Adjournment**

There being no further business, the meeting was adjourned.



Respectfully Submitted,

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David L. Moyer  
Chairman

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Joseph H. Maroon  
Recording Secretary